IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 29TH MAY 2007 / 8TH JYAISHTA 1929

Crl.MC.No. 1723 of 2007()

CC.205/2006 of JUDL.MAGISTRATE OF FIRST CLASS, PAYYOLI

.....

PETITIONER/RESPONDENT/ACCUSED:

PRAISY MARY JOSEPH
W/O.JOSEPH, THARANE,
MENON MUKKU, P.O.VADUVANCHAL,
WAYANAD.

BY ADV. SRI.R.SUDHISH
SMT.M.MANJU

RESPONDENTS/PETITIONER/COMPLAINANT & STATE:

---

1. SREEKOVIL CHITS COMPANY PVT.LTD.,
NEELIKKANDI BUILDINGS, KALPETTA,
WAYANAD, REPRESENTED BY ITS DIRECTOR,
SHANOOJ K.K.

2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 29/05/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

Crl.M.C.No.1723 of 2007

Dated this the 29th day of May 2007

O R D E R

The petitioner is the accused in a prosecution under Section 138 of the Negotiable Instruments Act. The petitioner as well as her husband were accused in complaints filed under Section 138 of the Negotiable Instruments Act. Cognizance was taken without demur by the learned Magistrate. Trial proceeded in both cases. The accused raised a contention in both cases that there is a delay of one day in filing the complaint. The case against the husband was disposed of earlier. In that, the court took the view that there is a delay of one day in filing the complaint. The complaint was subsequently dismissed.

2. By way of abundant caution, the complainant in this case filed an application for condonation of delay of one day. The complainant took the stand that he was under the impression that there is no delay but the court having held in the case instituted by the husband of the complainant that there is one day's delay, by way of abundant caution, an application has been

filed to condone the delay. That application for condonation of delay was considered by the learned Magistrate and allowed as per the impugned order. The petitioner has come before this court to challenge the said order.

3. It is submitted that the trial in the case is almost over. At this stage in the proceedings, I am of the opinion that it is not necessary to consider the challenge against the impugned order. It will be sufficient if opportunity is granted to the petitioner to challenge the impugned order also if the same be found necessary after the final disposal of C.C.No.205/2006.

4. With the above observations, this Criminal Miscellaneous Case is dismissed.

(R.BASANT, JUDGE)

jsr

// True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007